

# ***Rezoning the Legacy Towns in the Sacramento-San Joaquin Delta***

*Prepared by: Delta Protection Commission staff  
11/29/10*

## ***Intro***

The Delta Protection Act of 1992 (Act) defines the Primary Zone of the Sacramento-San Joaquin Delta, which is the principal jurisdiction of the Delta Protection Commission (DPC). The purpose of the Act is to assure orderly, balanced conservation and development of the Delta land resources. The DPC is charged with developing a Land Use and Resource Management Plan (LURMP) for the Primary Zone with which General Plans of the Delta counties must be consistent. The area not in the Primary Zone, but still inside the Legal Delta, is considered the Secondary Zone and is outside of the jurisdiction of the DPC. Senate Bill 1 (Simitian) mandated the DPC to submit to the Legislature recommendations regarding the potential expansion of, or changes, to the Primary Zone. The question of altering the Primary Zone has caused discussion about removing the 'Legacy Towns' of the Delta (Walnut Grove, Clarksburg, Courtland, Hood, Locke and Ryde) out of the Primary Zone and into the Secondary Zone in order to relieve development restrictions that are currently in place. The argument is that current restrictions create a financial burden to counties providing public services because of a static property tax base. Removing the Legacy Towns from the Primary Zone would give land use authority back to the counties without the requirement for consistency with the LURMP. Senate Bill 1 also charges the DPC with completing an Economic Sustainability Plan (ESP), which will establish an economic profile of the Delta and identify factors necessary for socioeconomic sustainability. The economic sustainability of the Legacy Towns is important to the long term sustainability of the Delta. Before taking action to recommend removal of the Legacy Towns from the Primary Zone, there are several issues and potential consequences that should be considered. This paper reviews several of those issues and consequences and concludes by recommending that consideration of taking action to alter the Primary Zone status of Legacy Towns be held in abeyance until the completion of the Economic Sustainability Plan.

## ***Issues and Consequences***

### ***Current Zoning***

#### ***Issue:***

Much of the land in the Delta is zoned for agriculture (AG-80, AG-160, etc.) and therefore limits development opportunities. Zoning ordinances specify the details of

development including: lot sizes, permitted uses, standards and conditions, intensities of land uses, the process of development proposals and more.

*Consequence:*

For a zoning change to occur the following actions would be necessary, but not limited to: legislation to remove Legacy Towns from the Primary Zone, amendments to the counties' General Plan with proposed zoning changes which would include an environmental review, public hearings, and an assessment of local support for the changes. Additionally, local ordinance regarding necessary infrastructure improvements would apply.

*Overlapping Jurisdictions*

*Issue:*

Several Delta communities are impacted by area zoning ordinances. Sacramento County has Special Planning Areas (SPAs) which include Walnut Grove, Courtland, Locke, and Lower Andrus Island. Yolo County has "Area Plans"; Clarksburg is an example of a community zoned by an Area Plan. These ordinances have specific zoning codes and standards, and were developed as a way to ensure that these areas retain their agricultural, recreational, environmental and/or historical qualities. Some examples of these ordinances include: historical preservation areas, residential density regulations, minimum lot sizes, vehicle parking regulations, commercial building uses, new construction materials and guidelines, and commercial marina development.

*Consequence:*

Taking the Legacy Towns out of the Primary Zone would give land use authority back to the respective counties, but existing ordinances that restrict activity within these designated areas would have to be changed. Even with these changes, the Legacy Towns would still be subject to the oversight by other agencies, local as well as state. These agencies include: Delta Citizens' Municipal Advisory Council, Sacramento Housing Redevelopment Agency, California State Office of Historical Preservation, Sacramento River Delta Historical Society, Sacramento County Department of Environmental Review and Assessment, etc.

*FEMA Floodzones*

*Issue:*

FEMA's current remapping project will be a primary driver for land use decisions. New floodplain elevations will put significant restrictions on development options for properties in the FEMA floodzones. Many of the Legacy Towns will be located within the floodzones and getting out of these floodzones would require expensive levee upgrades.

*Consequence:*

Any development that occurs in Legacy Towns will be subject to flood improvements. Questions arise as to protecting whole islands or using ring levees around Legacy Towns, and if either is undertaken who finances and maintains?

*DPC Management Plan*

*Issue:*

The Land Use and Resource Management Plan for the Primary Zone of the Delta was recently updated through an intensive participatory process which lasted over a year and a half. This process included public workshops as well as discussions at DPC meetings. The concept of development in the Legacy Towns was an important piece of the dialogue throughout the process. This resulted in the development of Land Use Policy-4, *“Direct new non-agriculturally oriented non-farmworker residential development within the existing unincorporated towns (Walnut Grove, Clarksburg, Courtland, Hood, Locke, and Ryde)”*. The final plan was voted on and adopted by the DPC on February 25<sup>th</sup>, 2010.

*Consequence:*

The recently adopted LURMP would have to be amended and that process would require public review and a deliberate adoption process.

*The Economic Sustainability Plan*

The Economic Sustainability Plan (ESP) will serve two functions; providing a blueprint for a sustainable economy in the Delta and establishing a basis to evaluate future policy and program decisions affecting the Delta for their potential impact upon the Delta’s long-term economic sustainability. The ESP will include public safety recommendations, a summation of economic goals, policies, and objectives consistent with the local general plans and other economic efforts, and as part of economic sustainability. The sustainability of the Legacy Towns will be a necessary requirement of the sustainability of the entire Delta.

The ESP sets out to identify methods to increase recreational, commercial, and agricultural investments throughout the Delta. Currently the DPC is in Phase 1 of the ESP. Phase 1 identifies the key drivers, assets, and factors affecting and supporting the Delta economy. Phase 1 has determined agriculture, recreation, tourism, retail, and food service the key drivers of the Delta economy.

Phase 2 will determine the baseline economic value of the Delta. Phase 2 will identify probable changes and adjustments the Delta will have to make in response to the natural and man-made policies that will affect the socioeconomic sustainability of the Delta. Factors such as, state water, land use, flood, and habitat

policies will greatly affect the Delta economy. The ESP will describe policy changes the DPC and other governing jurisdictions should consider in order to help sustain the Delta for future generations.

## ***Conclusion***

There are an array of factors that impact land use decisions which limit development in the Legacy Towns, besides just their placement in the Delta's Primary Zone. Additionally, due to the complex set of economic, political and social issues surrounding these towns, it is premature to suppose an action by the DPC to remove Legacy Towns out of the Primary Zone and placing them into the Secondary Zone will alleviate their economic deficiency prior to the completion of the Economic Sustainability Plan. DPC staff recommends waiting until the completion of the ESP before deciding on any actions that would affect the zoning of the Legacy Towns. The ESP should provide a set of recommendations as to the socioeconomic sustainability of the Delta, which by definition, will include the Legacy Towns.